HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.32993 of 1997

Dated 13th Day of February, 2007

Between:

Grandhi Narayana Setty .. Petitioner

And

The District Collector,
Nellore District and two others. ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the Notice dated 29.11.1997 issued by the 3rd respondent under Section 7 of the Madras Land Encroachment Act (A.P. Land Encroachment Act) by which the petitioner is treated as encroacher in respect of Ac.05.00 cents of land in CAS No.200, Nellore Bit 1, as illegal and arbitrary.

The brief facts of the case are that the petitioner purchased Ac.05.00 cents of land in 1977 under a registered sale deed dated 29.7.1977. One G.Sriramulu got 3 sons namely G.Ramaiah, Narsimhulu and Ranganatha Chetty. G.Ramaiah sold 34 Ankanams of site, which is adjacent to the land in question i.e. 5 Ankanams, to the petitioner in 1977 by virtue of a registered document. Prior to the sale, G. Ramaiah constructed a building in 34 Ankanamas of site. The petitioner is also paying cist under NALA and he is not an encroacher. Now, the grievance of the petitioner is that the 3rd respondent issued the notice dated 29.11.1997 stating that the petitioner encroached Ac.05.00 cents of land adjacent to his site and constructed a godown therein.

Heard the learned counsel for both the parties.

Admittedly, it is only a notice issued by the 3rd respondent and it is always open to the petitioner to offer his explanation stating as to how he is not an encroacher and the property belongs to him. Instead of offering an explanation, the petitioner in haste, has approached this Court and filed this writ petition.

Hence, this writ petition is disposed of with a direction to the petitioner to offer a detailed explanation to the notice dated 29.11.1997 and the 3rd respondent-Mandal Revenue Officer may pass appropriate orders in accordance with law after giving an opportunity to the petitioner to put forth his version. This exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order. Pending consideration of the matter, it is made clear that the petitioner shall not be dispossessed from the land in question. No costs.

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13.02.2007

bcj